

RUH-284

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: : C. Cooke
HAGMEYER et al :
Serial No.: 09/937,524 : Group: 1754
Filed: September 25, 2001 :
For: CATALYSTS...THEIR USE :

475 Park Avenue South
New York, N.Y. 10016
August 6, 2004

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the advisory action of July 14, 2004, Applicants request reconsideration of the application in view of the remarks presented herein in addition to the remarks in the amendment of June 9, 2004 which was refused entry and is now properly entered.

The claims in the application are claims 1 to 3, 5 to 10, 12 to 14 and 16, all other claims having been cancelled.

All of the claims were rejected under 35 USC 103 as being obvious over the Couves et al reference taken in view of the Bankmann et al article for reasons of record. With respect to Applicants' arguments that there is no suggestion to combine the references, the Examiner recognizes that obviousness can only be established by combining and modifying the teachings of the prior art to produce the claimed invention

where there is some teaching of combining the references. The Examiner indicated that Bankmann et al teaches a titania support produced by flame hydrolysis having a high surface area which is desirable for high catalytic activity and with respect to Applicants' arguments that Bankmann et al does not overcome the deficiencies of the primary reference since it does not disclose the presence of gold and palladium, the Examiner states that Bankmann et al is not relied upon to supply any such teachings since the Couves et al reference teaches the catalyst as claimed except for the particular support which Bankmann et al is relied upon for. With respect to the declaration of record, the Examiner held that the same is not commensurate in scope with the claims and does not provide an adequate example.

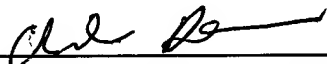
Applicants respectfully traverse this ground of rejection for the reasons set forth in the amendment of June 9, 2004 and Applicants have these further comments thereon. Couves et al teaches a preparation of a supported catalyst based on titania and its use for the preparation of vinyl acetate but Couves et al does not specify the type of titania. Moreover, Couves et al teaches the reduction of the impregnated support at elevated temperatures of more than 500°C and preferably 650° to 1,000°C. The sintering step is a key improvement in the Couves et al process as discussed in lines 31 to 38 on page 2.

The use of a titania support known from the Bankmann et al reference and the process taught by Couves et al does not lead to a suitable catalyst as demonstrated by the

declaration on file. The data clearly reveals that the sintering step of Couves et al has a detrimental effect if a titania support is used as known from Bankmann et al. The experimental data in the declaration reveals that the sintering step at 800°C as taught by Couves et al, which temperature is selected from the specific working example of Couves et al, does not result in a suitable catalyst. The Examiner's view that a titania support with a high surface can be used in any catalyst preparation process regardless of any sintering treatment is not correct. The sintering treatment of Couves et al has an important influence on the structure of the support and therefore, on the catalyst's performance. The various support materials, i.e. different titania supports, cannot be exchanged cannot be exchanged in a routine manner in a catalyst preparation process which uses a sintering step. Therefore, the Examiner's general view that in the Couves et al catalyst preparation process, various titania supports known from the art can be exchanged in a routine manner is not justified from the present record. Therefore, the combination of the references fails and withdrawal of this ground of rejection is requested.

In view of the remarks of record and the above remarks, it is believed that the claims clearly point out Applicants' patentable contribution and favorable reconsideration of the application is requested.

Respectfully submitted,
Muserlian, Lucas and Mercanti



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CAM:ds
Enclosures



Our Case: RUH-284

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Charles A. Muserlian

Dated: August 6, 2004